

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement, sealing, and immediate sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the following Sections of the  
14 Unified Code of Corrections:

15 Business Offense, Section 5-1-2.

16 Charge, Section 5-1-3.

17 Court, Section 5-1-6.

18 Defendant, Section 5-1-7.

19 Felony, Section 5-1-9.

20 Imprisonment, Section 5-1-10.

21 Judgment, Section 5-1-12.

22 Misdemeanor, Section 5-1-14.

23 Offense, Section 5-1-15.

1 Parole, Section 5-1-16.

2 Petty Offense, Section 5-1-17.

3 Probation, Section 5-1-18.

4 Sentence, Section 5-1-19.

5 Supervision, Section 5-1-21.

6 Victim, Section 5-1-22.

7 (B) As used in this Section, "charge not initiated  
8 by arrest" means a charge (as defined by Section 5-1-3  
9 of the Unified Code of Corrections) brought against a  
10 defendant where the defendant is not arrested prior to  
11 or as a direct result of the charge.

12 (C) "Conviction" means a judgment of conviction or  
13 sentence entered upon a plea of guilty or upon a  
14 verdict or finding of guilty of an offense, rendered  
15 by a legally constituted jury or by a court of  
16 competent jurisdiction authorized to try the case  
17 without a jury. An order of supervision successfully  
18 completed by the petitioner is not a conviction. An  
19 order of qualified probation (as defined in subsection  
20 (a) (1) (J)) successfully completed by the petitioner is  
21 not a conviction. An order of supervision or an order  
22 of qualified probation that is terminated  
23 unsatisfactorily is a conviction, unless the  
24 unsatisfactory termination is reversed, vacated, or  
25 modified and the judgment of conviction, if any, is  
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,  
2 business offense, misdemeanor, felony, or municipal  
3 ordinance violation (as defined in subsection  
4 (a) (1) (H)). As used in this Section, a minor traffic  
5 offense (as defined in subsection (a) (1) (G)) shall not  
6 be considered a criminal offense.

7 (E) "Expunge": ~~means to physically destroy the~~  
8 ~~records or return them to the petitioner and to~~  
9 ~~obliterate the petitioner's name from any official~~  
10 ~~index or public record, or both. Nothing in this Act~~  
11 ~~shall require the physical destruction of the circuit~~  
12 ~~court file, but such records relating to arrests or~~  
13 ~~charges, or both, ordered expunged shall be impounded~~  
14 ~~as required by subsections (d) (9) (A) (ii) and~~  
15 ~~(d) (9) (B) (ii).~~

16 (i) has the same meaning as in paragraph (5)  
17 of subsection (b) of Section 5 of the Court Record  
18 and Document Accessibility Act for circuit court  
19 clerks. Nothing in this Act or the Court Record  
20 and Document Accessibility Act shall require the  
21 physical destruction of the circuit court clerk  
22 file. The petitioner's name shall be obliterated  
23 from the official index required to be kept by the  
24 circuit court clerk under Section 16 of the Clerks  
25 of Courts Act, but the order shall not affect any  
26 index issued by the circuit court clerk before the

1           entry of the order to expunge; or

2                   (ii) means to physically destroy the records  
3           or return them to the petitioner and to obliterate  
4           the petitioner's name from any official index or  
5           public record, or both for the arresting agency,  
6           the Illinois State Police, and any other agency as  
7           so ordered by the court not covered in subsection  
8           (a) (1) (E) (i).

9           (F) As used in this Section, "last sentence" means  
10          the sentence, order of supervision, or order of  
11          qualified probation (as defined by subsection  
12          (a) (1) (J)), for a criminal offense (as defined by  
13          subsection (a) (1) (D)) that terminates last in time in  
14          any jurisdiction, regardless of whether the petitioner  
15          has included the criminal offense for which the  
16          sentence or order of supervision or qualified  
17          probation was imposed in his or her petition. If  
18          multiple sentences, orders of supervision, or orders  
19          of qualified probation terminate on the same day and  
20          are last in time, they shall be collectively  
21          considered the "last sentence" regardless of whether  
22          they were ordered to run concurrently.

23          (G) "Minor traffic offense" means a petty offense,  
24          business offense, or Class C misdemeanor under the  
25          Illinois Vehicle Code or a similar provision of a  
26          municipal or local ordinance.

1 (G-5) "Minor Cannabis Offense" means a violation  
2 of Section 4 or 5 of the Cannabis Control Act  
3 concerning not more than 30 grams of any substance  
4 containing cannabis, provided the violation did not  
5 include a penalty enhancement under Section 7 of the  
6 Cannabis Control Act and is not associated with an  
7 arrest, conviction or other disposition for a violent  
8 crime as defined in subsection (c) of Section 3 of the  
9 Rights of Crime Victims and Witnesses Act.

10 (H) "Municipal ordinance violation" means an  
11 offense defined by a municipal or local ordinance that  
12 is criminal in nature and with which the petitioner  
13 was charged or for which the petitioner was arrested  
14 and released without charging.

15 (I) "Petitioner" means an adult or a minor  
16 prosecuted as an adult who has applied for relief  
17 under this Section.

18 (J) "Qualified probation" means an order of  
19 probation under Section 10 of the Cannabis Control  
20 Act, Section 410 of the Illinois Controlled Substances  
21 Act, Section 70 of the Methamphetamine Control and  
22 Community Protection Act, Section 5-6-3.3 or 5-6-3.4  
23 of the Unified Code of Corrections, Section  
24 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
25 those provisions existed before their deletion by  
26 Public Act 89-313), Section 10-102 of the Illinois

1 Alcoholism and Other Drug Dependency Act, Section  
2 40-10 of the Substance Use Disorder Act, or Section 10  
3 of the Steroid Control Act. For the purpose of this  
4 Section, "successful completion" of an order of  
5 qualified probation under Section 10-102 of the  
6 Illinois Alcoholism and Other Drug Dependency Act and  
7 Section 40-10 of the Substance Use Disorder Act means  
8 that the probation was terminated satisfactorily and  
9 the judgment of conviction was vacated.

10 (K) "Seal": ~~means to physically and electronically~~  
11 ~~maintain the records, unless the records would~~  
12 ~~otherwise be destroyed due to age, but to make the~~  
13 ~~records unavailable without a court order, subject to~~  
14 ~~the exceptions in Sections 12 and 13 of this Act. The~~  
15 ~~petitioner's name shall also be obliterated from the~~  
16 ~~official index required to be kept by the circuit~~  
17 ~~court clerk under Section 16 of the Clerks of Courts~~  
18 ~~Act, but any index issued by the circuit court clerk~~  
19 ~~before the entry of the order to seal shall not be~~  
20 ~~affected.~~

21 (i) has the same meaning as in paragraph (4)  
22 of subsection (b) of Section 5 of the Court Record  
23 and Document Accessibility Act for circuit court  
24 clerks. The petitioner's name shall also be  
25 obliterated from the official index required to be  
26 kept by the circuit court clerk under Section 16

1 of the Clerks of Courts Act, but any index issued  
2 by the circuit court clerk before the entry of the  
3 order to seal shall not be affected; or

4 (ii) means to physically and electronically  
5 maintain the records, for the arresting agency,  
6 the Illinois State Police, and any other agency as  
7 so ordered by the court not covered in subsection  
8 (a)(1)(K)(i), unless the records would otherwise  
9 be destroyed due to age, but to make the records  
10 unavailable without a court order, subject to the  
11 exceptions in Sections 12 and 13.

12 (L) "Sexual offense committed against a minor"  
13 includes, but is not limited to, the offenses of  
14 indecent solicitation of a child or criminal sexual  
15 abuse when the victim of such offense is under 18 years  
16 of age.

17 (M) "Terminate" as it relates to a sentence or  
18 order of supervision or qualified probation includes  
19 either satisfactory or unsatisfactory termination of  
20 the sentence, unless otherwise specified in this  
21 Section. A sentence is terminated notwithstanding any  
22 outstanding financial legal obligation.

23 (2) Minor Traffic Offenses. Orders of supervision or  
24 convictions for minor traffic offenses shall not affect a  
25 petitioner's eligibility to expunge or seal records  
26 pursuant to this Section.

1           (2.5) Commencing 180 days after July 29, 2016 (the  
2           effective date of Public Act 99-697), the law enforcement  
3           agency issuing the citation shall automatically expunge,  
4           on or before January 1 and July 1 of each year, the law  
5           enforcement records of a person found to have committed a  
6           civil law violation of subsection (a) of Section 4 of the  
7           Cannabis Control Act or subsection (c) of Section 3.5 of  
8           the Drug Paraphernalia Control Act in the law enforcement  
9           agency's possession or control and which contains the  
10          final satisfactory disposition which pertain to the person  
11          issued a citation for that offense. The law enforcement  
12          agency shall provide by rule the process for access,  
13          review, and to confirm the automatic expungement by the  
14          law enforcement agency issuing the citation. Commencing  
15          180 days after July 29, 2016 (the effective date of Public  
16          Act 99-697), the clerk of the circuit court shall expunge,  
17          upon order of the court, or in the absence of a court order  
18          on or before January 1 and July 1 of each year, the court  
19          records of a person found in the circuit court to have  
20          committed a civil law violation of subsection (a) of  
21          Section 4 of the Cannabis Control Act or subsection (c) of  
22          Section 3.5 of the Drug Paraphernalia Control Act in the  
23          clerk's possession or control and which contains the final  
24          satisfactory disposition which pertain to the person  
25          issued a citation for any of those offenses.

26          (3) Exclusions. Except as otherwise provided in



1 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
2 of this Section, the court shall not order:

3 (A) the sealing or expungement of the records of  
4 arrests or charges not initiated by arrest that result  
5 in an order of supervision for or conviction of: (i)  
6 any sexual offense committed against a minor; (ii)  
7 Section 11-501 of the Illinois Vehicle Code or a  
8 similar provision of a local ordinance; or (iii)  
9 Section 11-503 of the Illinois Vehicle Code or a  
10 similar provision of a local ordinance, unless the  
11 arrest or charge is for a misdemeanor violation of  
12 subsection (a) of Section 11-503 or a similar  
13 provision of a local ordinance, that occurred prior to  
14 the offender reaching the age of 25 years and the  
15 offender has no other conviction for violating Section  
16 11-501 or 11-503 of the Illinois Vehicle Code or a  
17 similar provision of a local ordinance.

18 (B) the sealing or expungement of records of minor  
19 traffic offenses (as defined in subsection (a) (1) (G)),  
20 unless the petitioner was arrested and released  
21 without charging.

22 (C) the sealing of the records of arrests or  
23 charges not initiated by arrest which result in an  
24 order of supervision or a conviction for the following  
25 offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or the Criminal Code of 2012  
2 or a similar provision of a local ordinance,  
3 except Section 11-14 and a misdemeanor violation  
4 of Section 11-30 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012, or a similar provision  
6 of a local ordinance;

7 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
8 26-5, or 48-1 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, or a similar provision of a  
10 local ordinance;

11 (iii) Section 12-3.1 or 12-3.2 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012, or  
13 Section 125 of the Stalking No Contact Order Act,  
14 or Section 219 of the Civil No Contact Order Act,  
15 or a similar provision of a local ordinance;

16 (iv) Class A misdemeanors or felony offenses  
17 under the Humane Care for Animals Act; or

18 (v) any offense or attempted offense that  
19 would subject a person to registration under the  
20 Sex Offender Registration Act.

21 (D) (blank).

22 (b) Expungement.

23 (1) A petitioner may petition the circuit court to  
24 expunge the records of his or her arrests and charges not  
25 initiated by arrest when each arrest or charge not  
26 initiated by arrest sought to be expunged resulted in: (i)

1 acquittal, dismissal, or the petitioner's release without  
2 charging, unless excluded by subsection (a)(3)(B); (ii) a  
3 conviction which was vacated or reversed, unless excluded  
4 by subsection (a)(3)(B); (iii) an order of supervision and  
5 such supervision was successfully completed by the  
6 petitioner, unless excluded by subsection (a)(3)(A) or  
7 (a)(3)(B); or (iv) an order of qualified probation (as  
8 defined in subsection (a)(1)(J)) and such probation was  
9 successfully completed by the petitioner.

10 (1.5) When a petitioner seeks to have a record of  
11 arrest expunged under this Section, and the offender has  
12 been convicted of a criminal offense, the State's Attorney  
13 may object to the expungement on the grounds that the  
14 records contain specific relevant information aside from  
15 the mere fact of the arrest.

16 (2) Time frame for filing a petition to expunge.

17 (A) When the arrest or charge not initiated by  
18 arrest sought to be expunged resulted in an acquittal,  
19 dismissal, the petitioner's release without charging,  
20 or the reversal or vacation of a conviction, there is  
21 no waiting period to petition for the expungement of  
22 such records.

23 (B) When the arrest or charge not initiated by  
24 arrest sought to be expunged resulted in an order of  
25 supervision, successfully completed by the petitioner,  
26 the following time frames will apply:

1 (i) Those arrests or charges that resulted in  
2 orders of supervision under Section 3-707, 3-708,  
3 3-710, or 5-401.3 of the Illinois Vehicle Code or  
4 a similar provision of a local ordinance, or under  
5 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012, or a  
7 similar provision of a local ordinance, shall not  
8 be eligible for expungement until 5 years have  
9 passed following the satisfactory termination of  
10 the supervision.

11 (i-5) Those arrests or charges that resulted  
12 in orders of supervision for a misdemeanor  
13 violation of subsection (a) of Section 11-503 of  
14 the Illinois Vehicle Code or a similar provision  
15 of a local ordinance, that occurred prior to the  
16 offender reaching the age of 25 years and the  
17 offender has no other conviction for violating  
18 Section 11-501 or 11-503 of the Illinois Vehicle  
19 Code or a similar provision of a local ordinance  
20 shall not be eligible for expungement until the  
21 petitioner has reached the age of 25 years.

22 (ii) Those arrests or charges that resulted in  
23 orders of supervision for any other offenses shall  
24 not be eligible for expungement until 2 years have  
25 passed following the satisfactory termination of  
26 the supervision.

1           (C) When the arrest or charge not initiated by  
2           arrest sought to be expunged resulted in an order of  
3           qualified probation, successfully completed by the  
4           petitioner, such records shall not be eligible for  
5           expungement until 5 years have passed following the  
6           satisfactory termination of the probation.

7           (3) Those records maintained by the Illinois State  
8           Police for persons arrested prior to their 17th birthday  
9           shall be expunged as provided in Section 5-915 of the  
10          Juvenile Court Act of 1987.

11          (4) Whenever a person has been arrested for or  
12          convicted of any offense, in the name of a person whose  
13          identity he or she has stolen or otherwise come into  
14          possession of, the aggrieved person from whom the identity  
15          was stolen or otherwise obtained without authorization,  
16          upon learning of the person having been arrested using his  
17          or her identity, may, upon verified petition to the chief  
18          judge of the circuit wherein the arrest was made, have a  
19          court order entered nunc pro tunc by the Chief Judge to  
20          correct the arrest record, conviction record, if any, and  
21          all official records of the arresting authority, the  
22          Illinois State Police, other criminal justice agencies,  
23          the prosecutor, and the trial court concerning such  
24          arrest, if any, by removing his or her name from all such  
25          records in connection with the arrest and conviction, if  
26          any, and by inserting in the records the name of the

1 offender, if known or ascertainable, in lieu of the  
2 aggrieved's name. The records of the circuit court clerk  
3 shall be sealed until further order of the court upon good  
4 cause shown and the name of the aggrieved person  
5 obliterated on the official index required to be kept by  
6 the circuit court clerk under Section 16 of the Clerks of  
7 Courts Act, but the order shall not affect any index  
8 issued by the circuit court clerk before the entry of the  
9 order. Nothing in this Section shall limit the Illinois  
10 State Police or other criminal justice agencies or  
11 prosecutors from listing under an offender's name the  
12 false names he or she has used.

13 (5) Whenever a person has been convicted of criminal  
14 sexual assault, aggravated criminal sexual assault,  
15 predatory criminal sexual assault of a child, criminal  
16 sexual abuse, or aggravated criminal sexual abuse, the  
17 victim of that offense may request that the State's  
18 Attorney of the county in which the conviction occurred  
19 file a verified petition with the presiding trial judge at  
20 the petitioner's trial to have a court order entered to  
21 seal the records of the circuit court clerk in connection  
22 with the proceedings of the trial court concerning that  
23 offense. However, the records of the arresting authority  
24 and the Illinois State Police concerning the offense shall  
25 not be sealed. The court, upon good cause shown, shall  
26 make the records of the circuit court clerk in connection

1 with the proceedings of the trial court concerning the  
2 offense available for public inspection.

3 (6) If a conviction has been set aside on direct  
4 review or on collateral attack and the court determines by  
5 clear and convincing evidence that the petitioner was  
6 factually innocent of the charge, the court that finds the  
7 petitioner factually innocent of the charge shall enter an  
8 expungement order for the conviction for which the  
9 petitioner has been determined to be innocent as provided  
10 in subsection (b) of Section 5-5-4 of the Unified Code of  
11 Corrections.

12 (7) Nothing in this Section shall prevent the Illinois  
13 State Police from maintaining all records of any person  
14 who is admitted to probation upon terms and conditions and  
15 who fulfills those terms and conditions pursuant to  
16 Section 10 of the Cannabis Control Act, Section 410 of the  
17 Illinois Controlled Substances Act, Section 70 of the  
18 Methamphetamine Control and Community Protection Act,  
19 Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
20 Corrections, Section 12-4.3 or subdivision (b)(1) of  
21 Section 12-3.05 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, Section 10-102 of the Illinois  
23 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
24 the Substance Use Disorder Act, or Section 10 of the  
25 Steroid Control Act.

26 (8) If the petitioner has been granted a certificate

1 of innocence under Section 2-702 of the Code of Civil  
2 Procedure, the court that grants the certificate of  
3 innocence shall also enter an order expunging the  
4 conviction for which the petitioner has been determined to  
5 be innocent as provided in subsection (h) of Section 2-702  
6 of the Code of Civil Procedure.

7 (c) Sealing.

8 (1) Applicability. Notwithstanding any other provision  
9 of this Act to the contrary, and cumulative with any  
10 rights to expungement of criminal records, this subsection  
11 authorizes the sealing of criminal records of adults and  
12 of minors prosecuted as adults. Subsection (g) of this  
13 Section provides for immediate sealing of certain records.

14 (2) Eligible Records. The following records may be  
15 sealed:

16 (A) All arrests resulting in release without  
17 charging;

18 (B) Arrests or charges not initiated by arrest  
19 resulting in acquittal, dismissal, or conviction when  
20 the conviction was reversed or vacated, except as  
21 excluded by subsection (a) (3) (B);

22 (C) Arrests or charges not initiated by arrest  
23 resulting in orders of supervision, including orders  
24 of supervision for municipal ordinance violations,  
25 successfully completed by the petitioner, unless  
26 excluded by subsection (a) (3);



1 (D) Arrests or charges not initiated by arrest  
2 resulting in convictions, including convictions on  
3 municipal ordinance violations, unless excluded by  
4 subsection (a) (3);

5 (E) Arrests or charges not initiated by arrest  
6 resulting in orders of first offender probation under  
7 Section 10 of the Cannabis Control Act, Section 410 of  
8 the Illinois Controlled Substances Act, Section 70 of  
9 the Methamphetamine Control and Community Protection  
10 Act, or Section 5-6-3.3 of the Unified Code of  
11 Corrections; and

12 (F) Arrests or charges not initiated by arrest  
13 resulting in felony convictions unless otherwise  
14 excluded by subsection (a) paragraph (3) of this  
15 Section.

16 (3) When Records Are Eligible to Be Sealed. Records  
17 identified as eligible under subsection (c) (2) may be  
18 sealed as follows:

19 (A) Records identified as eligible under  
20 subsections (c) (2) (A) and (c) (2) (B) may be sealed at  
21 any time.

22 (B) Except as otherwise provided in subparagraph  
23 (E) of this paragraph (3), records identified as  
24 eligible under subsection (c) (2) (C) may be sealed 2  
25 years after the termination of petitioner's last  
26 sentence (as defined in subsection (a) (1) (F)).

1 (C) Except as otherwise provided in subparagraph  
2 (E) of this paragraph (3), records identified as  
3 eligible under subsections (c)(2)(D), (c)(2)(E), and  
4 (c)(2)(F) may be sealed 3 years after the termination  
5 of the petitioner's last sentence (as defined in  
6 subsection (a)(1)(F)). Convictions requiring public  
7 registration under the Arsonist Registration Act, the  
8 Sex Offender Registration Act, or the Murderer and  
9 Violent Offender Against Youth Registration Act may  
10 not be sealed until the petitioner is no longer  
11 required to register under that relevant Act.

12 (D) Records identified in subsection  
13 (a)(3)(A)(iii) may be sealed after the petitioner has  
14 reached the age of 25 years.

15 (E) Records identified as eligible under  
16 subsection (c)(2)(C), (c)(2)(D), (c)(2)(E), or  
17 (c)(2)(F) may be sealed upon termination of the  
18 petitioner's last sentence if the petitioner earned a  
19 high school diploma, associate's degree, career  
20 certificate, vocational technical certification, or  
21 bachelor's degree, or passed the high school level  
22 Test of General Educational Development, during the  
23 period of his or her sentence or mandatory supervised  
24 release. This subparagraph shall apply only to a  
25 petitioner who has not completed the same educational  
26 goal prior to the period of his or her sentence or

1           mandatory supervised release. If a petition for  
2           sealing eligible records filed under this subparagraph  
3           is denied by the court, the time periods under  
4           subparagraph (B) or (C) shall apply to any subsequent  
5           petition for sealing filed by the petitioner.

6           (4) Subsequent felony convictions. A person may not  
7           have subsequent felony conviction records sealed as  
8           provided in this subsection (c) if he or she is convicted  
9           of any felony offense after the date of the sealing of  
10          prior felony convictions as provided in this subsection  
11          (c). The court may, upon conviction for a subsequent  
12          felony offense, order the unsealing of prior felony  
13          conviction records previously ordered sealed by the court.

14          (5) Notice of eligibility for sealing. Upon entry of a  
15          disposition for an eligible record under this subsection  
16          (c), the petitioner shall be informed by the court of the  
17          right to have the records sealed and the procedures for  
18          the sealing of the records.

19          (d) Procedure. The following procedures apply to  
20          expungement under subsections (b), (e), and (e-6) and sealing  
21          under subsections (c) and (e-5):

22               (1) Filing the petition. Upon becoming eligible to  
23               petition for the expungement or sealing of records under  
24               this Section, the petitioner shall file a petition  
25               requesting the expungement or sealing of records with the  
26               clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or  
2 charges were brought in multiple jurisdictions, a petition  
3 must be filed in each such jurisdiction. The petitioner  
4 shall pay the applicable fee, except no fee shall be  
5 required if the petitioner has obtained a court order  
6 waiving fees under Supreme Court Rule 298 or it is  
7 otherwise waived.

8 (1.5) County fee waiver pilot program. From August 9,  
9 2019 (the effective date of Public Act 101-306) through  
10 December 31, 2020, in a county of 3,000,000 or more  
11 inhabitants, no fee shall be required to be paid by a  
12 petitioner if the records sought to be expunged or sealed  
13 were arrests resulting in release without charging or  
14 arrests or charges not initiated by arrest resulting in  
15 acquittal, dismissal, or conviction when the conviction  
16 was reversed or vacated, unless excluded by subsection  
17 (a)(3)(B). The provisions of this paragraph (1.5), other  
18 than this sentence, are inoperative on and after January  
19 1, 2022.

20 (2) Contents of petition. The petition shall be  
21 verified and shall contain the petitioner's name, date of  
22 birth, current address and, for each arrest or charge not  
23 initiated by arrest sought to be sealed or expunged, the  
24 case number, the date of arrest (if any), the identity of  
25 the arresting authority, and such other information as the  
26 court may require. During the pendency of the proceeding,

1 the petitioner shall promptly notify the circuit court  
2 clerk of any change of his or her address. If the  
3 petitioner has received a certificate of eligibility for  
4 sealing from the Prisoner Review Board under paragraph  
5 (10) of subsection (a) of Section 3-3-2 of the Unified  
6 Code of Corrections, the certificate shall be attached to  
7 the petition.

8 (3) Drug test. The petitioner must attach to the  
9 petition proof that the petitioner has taken within 30  
10 days before the filing of the petition a test showing the  
11 absence within his or her body of all illegal substances  
12 as defined by the Illinois Controlled Substances Act and  
13 the Methamphetamine Control and Community Protection Act  
14 if he or she is petitioning to:

15 (A) seal felony records under clause (c) (2) (E);

16 (B) seal felony records for a violation of the  
17 Illinois Controlled Substances Act, the  
18 Methamphetamine Control and Community Protection Act,  
19 or the Cannabis Control Act under clause (c) (2) (F);

20 (C) seal felony records under subsection (e-5); or

21 (D) expunge felony records of a qualified  
22 probation under clause (b) (1) (iv).

23 (4) Service of petition. The circuit court clerk shall  
24 promptly serve a copy of the petition and documentation to  
25 support the petition under subsection (e-5) or (e-6) on  
26 the State's Attorney or prosecutor charged with the duty

1 of prosecuting the offense, the Illinois State Police, the  
2 arresting agency and the chief legal officer of the unit  
3 of local government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition  
6 may file an objection to the petition. All objections  
7 shall be in writing, shall be filed with the circuit  
8 court clerk, and shall state with specificity the  
9 basis of the objection. Whenever a person who has been  
10 convicted of an offense is granted a pardon by the  
11 Governor which specifically authorizes expungement, an  
12 objection to the petition may not be filed.

13 (B) Objections to a petition to expunge or seal  
14 must be filed within 60 days of the date of service of  
15 the petition.

16 (6) Entry of order.

17 (A) The Chief Judge of the circuit wherein the  
18 charge was brought, any judge of that circuit  
19 designated by the Chief Judge, or in counties of less  
20 than 3,000,000 inhabitants, the presiding trial judge  
21 at the petitioner's trial, if any, shall rule on the  
22 petition to expunge or seal as set forth in this  
23 subsection (d) (6).

24 (B) Unless the State's Attorney or prosecutor, the  
25 Illinois State Police, the arresting agency, or the  
26 chief legal officer files an objection to the petition

1 to expunge or seal within 60 days from the date of  
2 service of the petition, the court shall enter an  
3 order granting or denying the petition.

4 (C) Notwithstanding any other provision of law,  
5 the court shall not deny a petition for sealing under  
6 this Section because the petitioner has not satisfied  
7 an outstanding legal financial obligation established,  
8 imposed, or originated by a court, law enforcement  
9 agency, or a municipal, State, county, or other unit  
10 of local government, including, but not limited to,  
11 any cost, assessment, fine, or fee. An outstanding  
12 legal financial obligation does not include any court  
13 ordered restitution to a victim under Section 5-5-6 of  
14 the Unified Code of Corrections, unless the  
15 restitution has been converted to a civil judgment.  
16 Nothing in this subparagraph (C) waives, rescinds, or  
17 abrogates a legal financial obligation or otherwise  
18 eliminates or affects the right of the holder of any  
19 financial obligation to pursue collection under  
20 applicable federal, State, or local law.

21 (D) Notwithstanding any other provision of law,  
22 the court shall not deny a petition to expunge or seal  
23 under this Section because the petitioner has  
24 submitted a drug test taken within 30 days before the  
25 filing of the petition to expunge or seal that  
26 indicates a positive test for the presence of cannabis

1           within the petitioner's body. In this subparagraph  
2           (D), "cannabis" has the meaning ascribed to it in  
3           Section 3 of the Cannabis Control Act.

4           (7) Hearings. If an objection is filed, the court  
5           shall set a date for a hearing and notify the petitioner  
6           and all parties entitled to notice of the petition of the  
7           hearing date at least 30 days prior to the hearing. Prior  
8           to the hearing, the State's Attorney shall consult with  
9           the Illinois State Police as to the appropriateness of the  
10          relief sought in the petition to expunge or seal. At the  
11          hearing, the court shall hear evidence on whether the  
12          petition should or should not be granted, and shall grant  
13          or deny the petition to expunge or seal the records based  
14          on the evidence presented at the hearing. The court may  
15          consider the following:

16                 (A) the strength of the evidence supporting the  
17                 defendant's conviction;

18                 (B) the reasons for retention of the conviction  
19                 records by the State;

20                 (C) the petitioner's age, criminal record history,  
21                 and employment history;

22                 (D) the period of time between the petitioner's  
23                 arrest on the charge resulting in the conviction and  
24                 the filing of the petition under this Section; and

25                 (E) the specific adverse consequences the  
26                 petitioner may be subject to if the petition is



1 denied.

2 (8) Service of order. After entering an order to  
3 expunge or seal records, the court must provide copies of  
4 the order to the Illinois State Police, in a form and  
5 manner prescribed by the Illinois State Police, to the  
6 petitioner, to the State's Attorney or prosecutor charged  
7 with the duty of prosecuting the offense, to the arresting  
8 agency, to the chief legal officer of the unit of local  
9 government effecting the arrest, and to such other  
10 criminal justice agencies as may be ordered by the court.

11 (9) Implementation of order.

12 (A) Upon entry of an order to expunge records  
13 pursuant to subsection (b) (2) (A) or (b) (2) (B) (ii), or  
14 both:

15 (i) the records shall be expunged (as defined  
16 in subsection (a) (1) (E) (ii) ~~(a) (1) (E)~~) by the  
17 arresting agency, the Illinois State Police, and  
18 any other agency as ordered by the court, within  
19 60 days of the date of service of the order, unless  
20 a motion to vacate, modify, or reconsider the  
21 order is filed pursuant to paragraph (12) of  
22 subsection (d) of this Section;

23 (ii) the records of the circuit court clerk  
24 shall be expunged (as defined in subsection  
25 (a) (1) (E) (i)), ~~impounded~~ until further order of  
26 the court upon good cause shown ~~and the name of the~~

1           ~~petitioner obliterated on the official index~~  
2           ~~required to be kept by the circuit court clerk~~  
3           ~~under Section 16 of the Clerks of Courts Act, but~~  
4           ~~the order shall not affect any index issued by the~~  
5           ~~circuit court clerk before the entry of the order;~~  
6           and

7           (iii) in response to an inquiry for expunged  
8           records, the circuit court clerk ~~court~~, the  
9           Illinois State Police, or the agency receiving  
10          such inquiry, shall reply as it does in response  
11          to inquiries when no records ever existed.

12          (B) Upon entry of an order to expunge records  
13          pursuant to subsection (b) (2) (B) (i) or (b) (2) (C), or  
14          both:

15               (i) the records shall be expunged (as defined  
16               in subsection (a) (1) (E) (ii) ~~(a) (1) (E)~~) by the  
17               arresting agency and any other agency as ordered  
18               by the court, within 60 days of the date of service  
19               of the order, unless a motion to vacate, modify,  
20               or reconsider the order is filed pursuant to  
21               paragraph (12) of subsection (d) of this Section;

22               (ii) the records of the circuit court clerk  
23               shall be expunged (as defined in subsection  
24               (a) (1) (E) (i)), ~~impounded~~ until further order of  
25               the court upon good cause shown ~~and the name of the~~  
26               ~~petitioner obliterated on the official index~~

1 ~~required to be kept by the circuit court clerk~~  
2 ~~under Section 16 of the Clerks of Courts Act, but~~  
3 ~~the order shall not affect any index issued by the~~  
4 ~~circuit court clerk before the entry of the order;~~

5 (iii) the records shall be impounded by the  
6 Illinois State Police within 60 days of the date  
7 of service of the order as ordered by the court,  
8 unless a motion to vacate, modify, or reconsider  
9 the order is filed pursuant to paragraph (12) of  
10 subsection (d) of this Section;

11 (iv) records impounded by the Illinois State  
12 Police may be disseminated by the Illinois State  
13 Police only as required by law or to the arresting  
14 authority, the State's Attorney, and the circuit  
15 court clerk ~~court~~ upon a later arrest for the same  
16 or a similar offense or for the purpose of  
17 sentencing for any subsequent felony, and to the  
18 Department of Corrections upon conviction for any  
19 offense; and

20 (v) in response to an inquiry for such records  
21 from anyone not authorized by law to access such  
22 records, the circuit court clerk ~~court~~, the  
23 Illinois State Police, or the agency receiving  
24 such inquiry shall reply as it does in response to  
25 inquiries when no records ever existed.

26 (B-5) Upon entry of an order to expunge records

1 under subsection (e-6):

2 (i) the records shall be expunged (as defined  
3 in subsection (a)(1)(E)(ii) ~~(a)(1)(E)~~) by the  
4 arresting agency and any other agency as ordered  
5 by the court, within 60 days of the date of service  
6 of the order, unless a motion to vacate, modify,  
7 or reconsider the order is filed under paragraph  
8 (12) of subsection (d) of this Section;

9 (ii) the records of the circuit court clerk  
10 shall be expunged (as defined in subsection  
11 (a)(1)(E)(i)), ~~impounded~~ until further order of  
12 the court upon good cause shown ~~and the name of the~~  
13 ~~petitioner obliterated on the official index~~  
14 ~~required to be kept by the circuit court clerk~~  
15 ~~under Section 16 of the Clerks of Courts Act, but~~  
16 ~~the order shall not affect any index issued by the~~  
17 ~~circuit court clerk before the entry of the order;~~

18 (iii) the records shall be impounded by the  
19 Illinois State Police within 60 days of the date  
20 of service of the order as ordered by the court,  
21 unless a motion to vacate, modify, or reconsider  
22 the order is filed under paragraph (12) of  
23 subsection (d) of this Section;

24 (iv) records impounded by the Illinois State  
25 Police may be disseminated by the Illinois State  
26 Police only as required by law or to the arresting

1 authority, the State's Attorney, and the court  
2 upon a later arrest for the same or a similar  
3 offense or for the purpose of sentencing for any  
4 subsequent felony, and to the Department of  
5 Corrections upon conviction for any offense; and

6 (v) in response to an inquiry for these  
7 records from anyone not authorized by law to  
8 access the records, the circuit court clerk court,  
9 the Illinois State Police, or the agency receiving  
10 the inquiry shall reply as it does in response to  
11 inquiries when no records ever existed.

12 (C) Upon entry of an order to seal records under  
13 subsection (c), the arresting agency, any other agency  
14 as ordered by the court, the Illinois State Police,  
15 and the circuit court clerk court shall seal the  
16 records (as defined in subsection (a)(1)(K)). In  
17 response to an inquiry for such records, from anyone  
18 not authorized by law to access such records, the  
19 circuit court clerk court, the Illinois State Police,  
20 or the agency receiving such inquiry shall reply as it  
21 does in response to inquiries when no records ever  
22 existed.

23 (D) The Illinois State Police shall send written  
24 notice to the petitioner of its compliance with each  
25 order to expunge or seal records within 60 days of the  
26 date of service of that order or, if a motion to

1 vacate, modify, or reconsider is filed, within 60 days  
2 of service of the order resolving the motion, if that  
3 order requires the Illinois State Police to expunge or  
4 seal records. In the event of an appeal from the  
5 circuit court order, the Illinois State Police shall  
6 send written notice to the petitioner of its  
7 compliance with an Appellate Court or Supreme Court  
8 judgment to expunge or seal records within 60 days of  
9 the issuance of the court's mandate. The notice is not  
10 required while any motion to vacate, modify, or  
11 reconsider, or any appeal or petition for  
12 discretionary appellate review, is pending.

13 (E) Upon motion, the court may order that a sealed  
14 judgment or other court record necessary to  
15 demonstrate the amount of any legal financial  
16 obligation due and owing be made available for the  
17 limited purpose of collecting any legal financial  
18 obligations owed by the petitioner that were  
19 established, imposed, or originated in the criminal  
20 proceeding for which those records have been sealed.  
21 The records made available under this subparagraph (E)  
22 shall not be entered into the official index required  
23 to be kept by the circuit court clerk under Section 16  
24 of the Clerks of Courts Act and shall be immediately  
25 resealed ~~re-impounded~~ upon the collection of the  
26 outstanding financial obligations.

1           (F) Notwithstanding any other provision of this  
2           Section, a circuit court clerk may access a sealed  
3           record for the limited purpose of collecting payment  
4           for any legal financial obligations that were  
5           established, imposed, or originated in the criminal  
6           proceedings for which those records have been sealed.

7           (10) Fees. The Illinois State Police may charge the  
8           petitioner a fee equivalent to the cost of processing any  
9           order to expunge or seal records. Notwithstanding any  
10          provision of the Clerks of Courts Act to the contrary, the  
11          circuit court clerk may charge a fee equivalent to the  
12          cost associated with the sealing or expungement of records  
13          by the circuit court clerk. From the total filing fee  
14          collected for the petition to seal or expunge, the circuit  
15          court clerk shall deposit \$10 into the Circuit Court Clerk  
16          Operation and Administrative Fund, to be used to offset  
17          the costs incurred by the circuit court clerk in  
18          performing the additional duties required to serve the  
19          petition to seal or expunge on all parties. The circuit  
20          court clerk shall collect and remit the Illinois State  
21          Police portion of the fee to the State Treasurer and it  
22          shall be deposited in the State Police Services Fund. If  
23          the record brought under an expungement petition was  
24          previously sealed under this Section, the fee for the  
25          expungement petition for that same record shall be waived.

26          (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall  
2 become final for purposes of appeal until 30 days after  
3 service of the order on the petitioner and all parties  
4 entitled to notice of the petition.

5 (12) Motion to Vacate, Modify, or Reconsider. Under  
6 Section 2-1203 of the Code of Civil Procedure, the  
7 petitioner or any party entitled to notice may file a  
8 motion to vacate, modify, or reconsider the order granting  
9 or denying the petition to expunge or seal within 60 days  
10 of service of the order. If filed more than 60 days after  
11 service of the order, a petition to vacate, modify, or  
12 reconsider shall comply with subsection (c) of Section  
13 2-1401 of the Code of Civil Procedure. Upon filing of a  
14 motion to vacate, modify, or reconsider, notice of the  
15 motion shall be served upon the petitioner and all parties  
16 entitled to notice of the petition.

17 (13) Effect of Order. An order granting a petition  
18 under the expungement or sealing provisions of this  
19 Section shall not be considered void because it fails to  
20 comply with the provisions of this Section or because of  
21 any error asserted in a motion to vacate, modify, or  
22 reconsider. The circuit court retains jurisdiction to  
23 determine whether the order is voidable and to vacate,  
24 modify, or reconsider its terms based on a motion filed  
25 under paragraph (12) of this subsection (d).

26 (14) Compliance with Order Granting Petition to Seal



1 Records. Unless a court has entered a stay of an order  
2 granting a petition to seal, all parties entitled to  
3 notice of the petition must fully comply with the terms of  
4 the order within 60 days of service of the order even if a  
5 party is seeking relief from the order through a motion  
6 filed under paragraph (12) of this subsection (d) or is  
7 appealing the order.

8 (15) Compliance with Order Granting Petition to  
9 Expunge Records. While a party is seeking relief from the  
10 order granting the petition to expunge through a motion  
11 filed under paragraph (12) of this subsection (d) or is  
12 appealing the order, and unless a court has entered a stay  
13 of that order, the parties entitled to notice of the  
14 petition must seal, but need not expunge, the records  
15 until there is a final order on the motion for relief or,  
16 in the case of an appeal, the issuance of that court's  
17 mandate.

18 (16) The changes to this subsection (d) made by Public  
19 Act 98-163 apply to all petitions pending on August 5,  
20 2013 (the effective date of Public Act 98-163) and to all  
21 orders ruling on a petition to expunge or seal on or after  
22 August 5, 2013 (the effective date of Public Act 98-163).

23 (e) Whenever a person who has been convicted of an offense  
24 is granted a pardon by the Governor which specifically  
25 authorizes expungement, he or she may, upon verified petition  
26 to the Chief Judge of the circuit where the person had been

1 convicted, any judge of the circuit designated by the Chief  
2 Judge, or in counties of less than 3,000,000 inhabitants, the  
3 presiding trial judge at the defendant's trial, have a court  
4 order entered expunging the record of arrest from the official  
5 records of the arresting authority and order that the records  
6 of the circuit court clerk and the Illinois State Police be  
7 sealed until further order of the court upon good cause shown  
8 or as otherwise provided herein, and the name of the defendant  
9 obliterated from the official index requested to be kept by  
10 the circuit court clerk under Section 16 of the Clerks of  
11 Courts Act in connection with the arrest and conviction for  
12 the offense for which he or she had been pardoned but the order  
13 shall not affect any index issued by the circuit court clerk  
14 before the entry of the order. All records sealed by the  
15 Illinois State Police may be disseminated by the Illinois  
16 State Police only to the arresting authority, the State's  
17 Attorney, and the court upon a later arrest for the same or  
18 similar offense or for the purpose of sentencing for any  
19 subsequent felony. Upon conviction for any subsequent offense,  
20 the Department of Corrections shall have access to all sealed  
21 records of the Illinois State Police pertaining to that  
22 individual. Upon entry of the order of expungement, the  
23 circuit court clerk shall promptly mail a copy of the order to  
24 the person who was pardoned.

25 (e-5) Whenever a person who has been convicted of an  
26 offense is granted a certificate of eligibility for sealing by

1 the Prisoner Review Board which specifically authorizes  
2 sealing, he or she may, upon verified petition to the Chief  
3 Judge of the circuit where the person had been convicted, any  
4 judge of the circuit designated by the Chief Judge, or in  
5 counties of less than 3,000,000 inhabitants, the presiding  
6 trial judge at the petitioner's trial, have a court order  
7 entered sealing the record of arrest from the official records  
8 of the arresting authority and order that the records of the  
9 circuit court clerk and the Illinois State Police be sealed  
10 until further order of the court upon good cause shown or as  
11 otherwise provided herein, and the name of the petitioner  
12 obliterated from the official index requested to be kept by  
13 the circuit court clerk under Section 16 of the Clerks of  
14 Courts Act in connection with the arrest and conviction for  
15 the offense for which he or she had been granted the  
16 certificate but the order shall not affect any index issued by  
17 the circuit court clerk before the entry of the order. All  
18 records sealed by the Illinois State Police may be  
19 disseminated by the Illinois State Police only as required by  
20 this Act or to the arresting authority, a law enforcement  
21 agency, the State's Attorney, and the court upon a later  
22 arrest for the same or similar offense or for the purpose of  
23 sentencing for any subsequent felony. Upon conviction for any  
24 subsequent offense, the Department of Corrections shall have  
25 access to all sealed records of the Illinois State Police  
26 pertaining to that individual. Upon entry of the order of

1 sealing, the circuit court clerk shall promptly mail a copy of  
2 the order to the person who was granted the certificate of  
3 eligibility for sealing.

4 (e-6) Whenever a person who has been convicted of an  
5 offense is granted a certificate of eligibility for  
6 expungement by the Prisoner Review Board which specifically  
7 authorizes expungement, he or she may, upon verified petition  
8 to the Chief Judge of the circuit where the person had been  
9 convicted, any judge of the circuit designated by the Chief  
10 Judge, or in counties of less than 3,000,000 inhabitants, the  
11 presiding trial judge at the petitioner's trial, have a court  
12 order entered expunging the record of arrest from the official  
13 records of the arresting authority and order that the records  
14 of the circuit court clerk and the Illinois State Police be  
15 sealed until further order of the court upon good cause shown  
16 or as otherwise provided herein, and the name of the  
17 petitioner obliterated from the official index requested to be  
18 kept by the circuit court clerk under Section 16 of the Clerks  
19 of Courts Act in connection with the arrest and conviction for  
20 the offense for which he or she had been granted the  
21 certificate but the order shall not affect any index issued by  
22 the circuit court clerk before the entry of the order. All  
23 records sealed by the Illinois State Police may be  
24 disseminated by the Illinois State Police only as required by  
25 this Act or to the arresting authority, a law enforcement  
26 agency, the State's Attorney, and the court upon a later

1 arrest for the same or similar offense or for the purpose of  
2 sentencing for any subsequent felony. Upon conviction for any  
3 subsequent offense, the Department of Corrections shall have  
4 access to all expunged records of the Illinois State Police  
5 pertaining to that individual. Upon entry of the order of  
6 expungement, the circuit court clerk shall promptly mail a  
7 copy of the order to the person who was granted the certificate  
8 of eligibility for expungement.

9 (f) Subject to available funding, the Illinois Department  
10 of Corrections shall conduct a study of the impact of sealing,  
11 especially on employment and recidivism rates, utilizing a  
12 random sample of those who apply for the sealing of their  
13 criminal records under Public Act 93-211. At the request of  
14 the Illinois Department of Corrections, records of the  
15 Illinois Department of Employment Security shall be utilized  
16 as appropriate to assist in the study. The study shall not  
17 disclose any data in a manner that would allow the  
18 identification of any particular individual or employing unit.  
19 The study shall be made available to the General Assembly no  
20 later than September 1, 2010.

21 (g) Immediate Sealing.

22 (1) Applicability. Notwithstanding any other provision  
23 of this Act to the contrary, and cumulative with any  
24 rights to expungement or sealing of criminal records, this  
25 subsection authorizes the immediate sealing of criminal  
26 records of adults and of minors prosecuted as adults.

1           (2) Eligible Records. Arrests or charges not initiated  
2           by arrest resulting in acquittal or dismissal with  
3           prejudice, except as excluded by subsection (a)(3)(B),  
4           that occur on or after January 1, 2018 (the effective date  
5           of Public Act 100-282), may be sealed immediately if the  
6           petition is filed with the circuit court clerk on the same  
7           day and during the same hearing in which the case is  
8           disposed.

9           (3) When Records are Eligible to be Immediately  
10          Sealed. Eligible records under paragraph (2) of this  
11          subsection (g) may be sealed immediately after entry of  
12          the final disposition of a case, notwithstanding the  
13          disposition of other charges in the same case.

14          (4) Notice of Eligibility for Immediate Sealing. Upon  
15          entry of a disposition for an eligible record under this  
16          subsection (g), the defendant shall be informed by the  
17          court of his or her right to have eligible records  
18          immediately sealed and the procedure for the immediate  
19          sealing of these records.

20          (5) Procedure. The following procedures apply to  
21          immediate sealing under this subsection (g).

22                (A) Filing the Petition. Upon entry of the final  
23                disposition of the case, the defendant's attorney may  
24                immediately petition the court, on behalf of the  
25                defendant, for immediate sealing of eligible records  
26                under paragraph (2) of this subsection (g) that are

1 entered on or after January 1, 2018 (the effective  
2 date of Public Act 100-282). The immediate sealing  
3 petition may be filed with the circuit court clerk  
4 during the hearing in which the final disposition of  
5 the case is entered. If the defendant's attorney does  
6 not file the petition for immediate sealing during the  
7 hearing, the defendant may file a petition for sealing  
8 at any time as authorized under subsection (c) (3) (A).

9 (B) Contents of Petition. The immediate sealing  
10 petition shall be verified and shall contain the  
11 petitioner's name, date of birth, current address, and  
12 for each eligible record, the case number, the date of  
13 arrest if applicable, the identity of the arresting  
14 authority if applicable, and other information as the  
15 court may require.

16 (C) Drug Test. The petitioner shall not be  
17 required to attach proof that he or she has passed a  
18 drug test.

19 (D) Service of Petition. A copy of the petition  
20 shall be served on the State's Attorney in open court.  
21 The petitioner shall not be required to serve a copy of  
22 the petition on any other agency.

23 (E) Entry of Order. The presiding trial judge  
24 shall enter an order granting or denying the petition  
25 for immediate sealing during the hearing in which it  
26 is filed. Petitions for immediate sealing shall be

1 ruled on in the same hearing in which the final  
2 disposition of the case is entered.

3 (F) Hearings. The court shall hear the petition  
4 for immediate sealing on the same day and during the  
5 same hearing in which the disposition is rendered.

6 (G) Service of Order. An order to immediately seal  
7 eligible records shall be served in conformance with  
8 subsection (d) (8).

9 (H) Implementation of Order. An order to  
10 immediately seal records shall be implemented in  
11 conformance with subsections (d) (9) (C) and (d) (9) (D).

12 (I) Fees. The fee imposed by the circuit court  
13 clerk and the Illinois State Police shall comply with  
14 paragraph (1) of subsection (d) of this Section.

15 (J) Final Order. No court order issued under this  
16 subsection (g) shall become final for purposes of  
17 appeal until 30 days after service of the order on the  
18 petitioner and all parties entitled to service of the  
19 order in conformance with subsection (d) (8).

20 (K) Motion to Vacate, Modify, or Reconsider. Under  
21 Section 2-1203 of the Code of Civil Procedure, the  
22 petitioner, State's Attorney, or the Illinois State  
23 Police may file a motion to vacate, modify, or  
24 reconsider the order denying the petition to  
25 immediately seal within 60 days of service of the  
26 order. If filed more than 60 days after service of the



1 order, a petition to vacate, modify, or reconsider  
2 shall comply with subsection (c) of Section 2-1401 of  
3 the Code of Civil Procedure.

4 (L) Effect of Order. An order granting an  
5 immediate sealing petition shall not be considered  
6 void because it fails to comply with the provisions of  
7 this Section or because of an error asserted in a  
8 motion to vacate, modify, or reconsider. The circuit  
9 court retains jurisdiction to determine whether the  
10 order is voidable, and to vacate, modify, or  
11 reconsider its terms based on a motion filed under  
12 subparagraph (L) of this subsection (g).

13 (M) Compliance with Order Granting Petition to  
14 Seal Records. Unless a court has entered a stay of an  
15 order granting a petition to immediately seal, all  
16 parties entitled to service of the order must fully  
17 comply with the terms of the order within 60 days of  
18 service of the order.

19 (h) Sealing or vacation and expungement of trafficking  
20 victims' crimes.

21 (1) A trafficking victim, as defined by paragraph (10)  
22 of subsection (a) of Section 10-9 of the Criminal Code of  
23 2012, may petition for vacation and expungement or  
24 immediate sealing of his or her criminal record upon the  
25 completion of his or her last sentence if his or her  
26 participation in the underlying offense was a result of

1 human trafficking under Section 10-9 of the Criminal Code  
2 of 2012 or a severe form of trafficking under the federal  
3 Trafficking Victims Protection Act.

4 (1.5) A petition under paragraph (1) shall be  
5 prepared, signed, and filed in accordance with Supreme  
6 Court Rule 9. The court may allow the petitioner to attend  
7 any required hearing remotely in accordance with local  
8 rules. The court may allow a petition to be filed under  
9 seal if the public filing of the petition would constitute  
10 a risk of harm to the petitioner.

11 (2) A petitioner under this subsection (h), in  
12 addition to the requirements provided under paragraph (4)  
13 of subsection (d) of this Section, shall include in his or  
14 her petition a clear and concise statement that: (A) he or  
15 she was a victim of human trafficking at the time of the  
16 offense; and (B) that his or her participation in the  
17 offense was a result of human trafficking under Section  
18 10-9 of the Criminal Code of 2012 or a severe form of  
19 trafficking under the federal Trafficking Victims  
20 Protection Act.

21 (3) If an objection is filed alleging that the  
22 petitioner is not entitled to vacation and expungement or  
23 immediate sealing under this subsection (h), the court  
24 shall conduct a hearing under paragraph (7) of subsection  
25 (d) of this Section and the court shall determine whether  
26 the petitioner is entitled to vacation and expungement or

1 immediate sealing under this subsection (h). A petitioner  
2 is eligible for vacation and expungement or immediate  
3 relief under this subsection (h) if he or she shows, by a  
4 preponderance of the evidence, that: (A) he or she was a  
5 victim of human trafficking at the time of the offense;  
6 and (B) that his or her participation in the offense was a  
7 result of human trafficking under Section 10-9 of the  
8 Criminal Code of 2012 or a severe form of trafficking  
9 under the federal Trafficking Victims Protection Act.

10 (i) Minor Cannabis Offenses under the Cannabis Control  
11 Act.

12 (1) Expungement of Arrest Records of Minor Cannabis  
13 Offenses.

14 (A) The Illinois State Police and all law  
15 enforcement agencies within the State shall  
16 automatically expunge all criminal history records of  
17 an arrest, charge not initiated by arrest, order of  
18 supervision, or order of qualified probation for a  
19 Minor Cannabis Offense committed prior to June 25,  
20 2019 (the effective date of Public Act 101-27) if:

21 (i) One year or more has elapsed since the  
22 date of the arrest or law enforcement interaction  
23 documented in the records; and

24 (ii) No criminal charges were filed relating  
25 to the arrest or law enforcement interaction or  
26 criminal charges were filed and subsequently

1 dismissed or vacated or the arrestee was  
2 acquitted.

3 (B) If the law enforcement agency is unable to  
4 verify satisfaction of condition (ii) in paragraph  
5 (A), records that satisfy condition (i) in paragraph  
6 (A) shall be automatically expunged.

7 (C) Records shall be expunged by the law  
8 enforcement agency under the following timelines:

9 (i) Records created prior to June 25, 2019  
10 (the effective date of Public Act 101-27), but on  
11 or after January 1, 2013, shall be automatically  
12 expunged prior to January 1, 2021;

13 (ii) Records created prior to January 1, 2013,  
14 but on or after January 1, 2000, shall be  
15 automatically expunged prior to January 1, 2023;

16 (iii) Records created prior to January 1, 2000  
17 shall be automatically expunged prior to January  
18 1, 2025.

19 In response to an inquiry for expunged records,  
20 the law enforcement agency receiving such inquiry  
21 shall reply as it does in response to inquiries when no  
22 records ever existed; however, it shall provide a  
23 certificate of disposition or confirmation that the  
24 record was expunged to the individual whose record was  
25 expunged if such a record exists.

26 (D) Nothing in this Section shall be construed to

1           restrict or modify an individual's right to have that  
2           individual's records expunged except as otherwise may  
3           be provided in this Act, or diminish or abrogate any  
4           rights or remedies otherwise available to the  
5           individual.

6           (2) Pardons Authorizing Expungement of Minor Cannabis  
7           Offenses.

8                   (A) Upon June 25, 2019 (the effective date of  
9                   Public Act 101-27), the Department of State Police  
10                  shall review all criminal history record information  
11                  and identify all records that meet all of the  
12                  following criteria:

13                           (i) one or more convictions for a Minor  
14                           Cannabis Offense;

15                           (ii) the conviction identified in paragraph  
16                           (2)(A)(i) did not include a penalty enhancement  
17                           under Section 7 of the Cannabis Control Act; and

18                           (iii) the conviction identified in paragraph  
19                           (2)(A)(i) is not associated with a conviction for  
20                           a violent crime as defined in subsection (c) of  
21                           Section 3 of the Rights of Crime Victims and  
22                           Witnesses Act.

23                   (B) Within 180 days after June 25, 2019 (the  
24                   effective date of Public Act 101-27), the Department  
25                   of State Police shall notify the Prisoner Review Board  
26                   of all such records that meet the criteria established

1 in paragraph (2) (A).

2 (i) The Prisoner Review Board shall notify the  
3 State's Attorney of the county of conviction of  
4 each record identified by State Police in  
5 paragraph (2) (A) that is classified as a Class 4  
6 felony. The State's Attorney may provide a written  
7 objection to the Prisoner Review Board on the sole  
8 basis that the record identified does not meet the  
9 criteria established in paragraph (2) (A). Such an  
10 objection must be filed within 60 days or by such  
11 later date set by the Prisoner Review Board in the  
12 notice after the State's Attorney received notice  
13 from the Prisoner Review Board.

14 (ii) In response to a written objection from a  
15 State's Attorney, the Prisoner Review Board is  
16 authorized to conduct a non-public hearing to  
17 evaluate the information provided in the  
18 objection.

19 (iii) The Prisoner Review Board shall make a  
20 confidential and privileged recommendation to the  
21 Governor as to whether to grant a pardon  
22 authorizing expungement for each of the records  
23 identified by the Department of State Police as  
24 described in paragraph (2) (A).

25 (C) If an individual has been granted a pardon  
26 authorizing expungement as described in this Section,

1 the Prisoner Review Board, through the Attorney  
2 General, shall file a petition for expungement with  
3 the Chief Judge of the circuit or any judge of the  
4 circuit designated by the Chief Judge where the  
5 individual had been convicted. Such petition may  
6 include more than one individual. Whenever an  
7 individual who has been convicted of an offense is  
8 granted a pardon by the Governor that specifically  
9 authorizes expungement, an objection to the petition  
10 may not be filed. Petitions to expunge under this  
11 subsection (i) may include more than one individual.  
12 Within 90 days of the filing of such a petition, the  
13 court shall enter an order expunging the records of  
14 arrest from the official records of the arresting  
15 authority and order that the records of the circuit  
16 court clerk and the Illinois State Police be expunged  
17 and the name of the defendant obliterated from the  
18 official index requested to be kept by the circuit  
19 court clerk under Section 16 of the Clerks of Courts  
20 Act in connection with the arrest and conviction for  
21 the offense for which the individual had received a  
22 pardon but the order shall not affect any index issued  
23 by the circuit court clerk before the entry of the  
24 order. Upon entry of the order of expungement, the  
25 circuit court clerk shall promptly provide a copy of  
26 the order and a certificate of disposition to the

1 individual who was pardoned to the individual's last  
2 known address or by electronic means (if available) or  
3 otherwise make it available to the individual upon  
4 request.

5 (D) Nothing in this Section is intended to  
6 diminish or abrogate any rights or remedies otherwise  
7 available to the individual.

8 (3) Any individual may file a motion to vacate and  
9 expunge a conviction for a misdemeanor or Class 4 felony  
10 violation of Section 4 or Section 5 of the Cannabis  
11 Control Act. Motions to vacate and expunge under this  
12 subsection (i) may be filed with the circuit court, Chief  
13 Judge of a judicial circuit or any judge of the circuit  
14 designated by the Chief Judge. The circuit court clerk  
15 shall promptly serve a copy of the motion to vacate and  
16 expunge, and any supporting documentation, on the State's  
17 Attorney or prosecutor charged with the duty of  
18 prosecuting the offense. When considering such a motion to  
19 vacate and expunge, a court shall consider the following:  
20 the reasons to retain the records provided by law  
21 enforcement, the petitioner's age, the petitioner's age at  
22 the time of offense, the time since the conviction, and  
23 the specific adverse consequences if denied. An individual  
24 may file such a petition after the completion of any  
25 non-financial sentence or non-financial condition imposed  
26 by the conviction. Within 60 days of the filing of such



1 motion, a State's Attorney may file an objection to such a  
2 petition along with supporting evidence. If a motion to  
3 vacate and expunge is granted, the records shall be  
4 expunged in accordance with subparagraphs (d)(8) and  
5 (d)(9)(A) of this Section. An agency providing civil legal  
6 aid, as defined by Section 15 of the Public Interest  
7 Attorney Assistance Act, assisting individuals seeking to  
8 file a motion to vacate and expunge under this subsection  
9 may file motions to vacate and expunge with the Chief  
10 Judge of a judicial circuit or any judge of the circuit  
11 designated by the Chief Judge, and the motion may include  
12 more than one individual. Motions filed by an agency  
13 providing civil legal aid concerning more than one  
14 individual may be prepared, presented, and signed  
15 electronically.

16 (4) Any State's Attorney may file a motion to vacate  
17 and expunge a conviction for a misdemeanor or Class 4  
18 felony violation of Section 4 or Section 5 of the Cannabis  
19 Control Act. Motions to vacate and expunge under this  
20 subsection (i) may be filed with the circuit court, Chief  
21 Judge of a judicial circuit or any judge of the circuit  
22 designated by the Chief Judge, and may include more than  
23 one individual. Motions filed by a State's Attorney  
24 concerning more than one individual may be prepared,  
25 presented, and signed electronically. When considering  
26 such a motion to vacate and expunge, a court shall

1 consider the following: the reasons to retain the records  
2 provided by law enforcement, the individual's age, the  
3 individual's age at the time of offense, the time since  
4 the conviction, and the specific adverse consequences if  
5 denied. Upon entry of an order granting a motion to vacate  
6 and expunge records pursuant to this Section, the State's  
7 Attorney shall notify the Prisoner Review Board within 30  
8 days. Upon entry of the order of expungement, the circuit  
9 court clerk shall promptly provide a copy of the order and  
10 a certificate of disposition to the individual whose  
11 records will be expunged to the individual's last known  
12 address or by electronic means (if available) or otherwise  
13 make available to the individual upon request. If a motion  
14 to vacate and expunge is granted, the records shall be  
15 expunged in accordance with subparagraphs (d)(8) and  
16 (d)(9)(A) of this Section.

17 (5) In the public interest, the State's Attorney of a  
18 county has standing to file motions to vacate and expunge  
19 pursuant to this Section in the circuit court with  
20 jurisdiction over the underlying conviction.

21 (6) If a person is arrested for a Minor Cannabis  
22 Offense as defined in this Section before June 25, 2019  
23 (the effective date of Public Act 101-27) and the person's  
24 case is still pending but a sentence has not been imposed,  
25 the person may petition the court in which the charges are  
26 pending for an order to summarily dismiss those charges

1 against him or her, and expunge all official records of  
2 his or her arrest, plea, trial, conviction, incarceration,  
3 supervision, or expungement. If the court determines, upon  
4 review, that: (A) the person was arrested before June 25,  
5 2019 (the effective date of Public Act 101-27) for an  
6 offense that has been made eligible for expungement; (B)  
7 the case is pending at the time; and (C) the person has not  
8 been sentenced of the minor cannabis violation eligible  
9 for expungement under this subsection, the court shall  
10 consider the following: the reasons to retain the records  
11 provided by law enforcement, the petitioner's age, the  
12 petitioner's age at the time of offense, the time since  
13 the conviction, and the specific adverse consequences if  
14 denied. If a motion to dismiss and expunge is granted, the  
15 records shall be expunged in accordance with subparagraph  
16 (d) (9) (A) of this Section.

17 (7) A person imprisoned solely as a result of one or  
18 more convictions for Minor Cannabis Offenses under this  
19 subsection (i) shall be released from incarceration upon  
20 the issuance of an order under this subsection.

21 (8) The Illinois State Police shall allow a person to  
22 use the access and review process, established in the  
23 Illinois State Police, for verifying that his or her  
24 records relating to Minor Cannabis Offenses of the  
25 Cannabis Control Act eligible under this Section have been  
26 expunged.

1           (9) No conviction vacated pursuant to this Section  
2 shall serve as the basis for damages for time unjustly  
3 served as provided in the Court of Claims Act.

4           (10) Effect of Expungement. A person's right to  
5 expunge an expungeable offense shall not be limited under  
6 this Section. The effect of an order of expungement shall  
7 be to restore the person to the status he or she occupied  
8 before the arrest, charge, or conviction.

9           (11) Information. The Illinois State Police shall post  
10 general information on its website about the expungement  
11 process described in this subsection (i).

12           (j) Felony Prostitution Convictions.

13           (1) Any individual may file a motion to vacate and  
14 expunge a conviction for a prior Class 4 felony violation  
15 of prostitution. Motions to vacate and expunge under this  
16 subsection (j) may be filed with the circuit court, Chief  
17 Judge of a judicial circuit, or any judge of the circuit  
18 designated by the Chief Judge. When considering the motion  
19 to vacate and expunge, a court shall consider the  
20 following:

21                   (A) the reasons to retain the records provided by  
22 law enforcement;

23                   (B) the petitioner's age;

24                   (C) the petitioner's age at the time of offense;

25                   and

26                   (D) the time since the conviction, and the

1 specific adverse consequences if denied. An individual  
2 may file the petition after the completion of any  
3 sentence or condition imposed by the conviction.  
4 Within 60 days of the filing of the motion, a State's  
5 Attorney may file an objection to the petition along  
6 with supporting evidence. If a motion to vacate and  
7 expunge is granted, the records shall be expunged in  
8 accordance with subparagraph (d)(9)(A) of this  
9 Section. An agency providing civil legal aid, as  
10 defined in Section 15 of the Public Interest Attorney  
11 Assistance Act, assisting individuals seeking to file  
12 a motion to vacate and expunge under this subsection  
13 may file motions to vacate and expunge with the Chief  
14 Judge of a judicial circuit or any judge of the circuit  
15 designated by the Chief Judge, and the motion may  
16 include more than one individual.

17 (2) Any State's Attorney may file a motion to vacate  
18 and expunge a conviction for a Class 4 felony violation of  
19 prostitution. Motions to vacate and expunge under this  
20 subsection (j) may be filed with the circuit court, Chief  
21 Judge of a judicial circuit, or any judge of the circuit  
22 court designated by the Chief Judge, and may include more  
23 than one individual. When considering the motion to vacate  
24 and expunge, a court shall consider the following reasons:

25 (A) the reasons to retain the records provided by  
26 law enforcement;

- 1 (B) the petitioner's age;
- 2 (C) the petitioner's age at the time of offense;
- 3 (D) the time since the conviction; and
- 4 (E) the specific adverse consequences if denied.

5 If the State's Attorney files a motion to vacate and  
6 expunge records for felony prostitution convictions  
7 pursuant to this Section, the State's Attorney shall  
8 notify the Prisoner Review Board within 30 days of the  
9 filing. If a motion to vacate and expunge is granted, the  
10 records shall be expunged in accordance with subparagraph  
11 (d) (9) (A) of this Section.

12 (3) In the public interest, the State's Attorney of a  
13 county has standing to file motions to vacate and expunge  
14 pursuant to this Section in the circuit court with  
15 jurisdiction over the underlying conviction.

16 (4) The Illinois State Police shall allow a person to  
17 use the access and review process, established in the  
18 Illinois State Police, for verifying that his or her  
19 records relating to felony prostitution eligible under  
20 this Section have been expunged.

21 (5) No conviction vacated pursuant to this Section  
22 shall serve as the basis for damages for time unjustly  
23 served as provided in the Court of Claims Act.

24 (6) Effect of Expungement. A person's right to expunge  
25 an expungeable offense shall not be limited under this  
26 Section. The effect of an order of expungement shall be to

1 restore the person to the status he or she occupied before  
2 the arrest, charge, or conviction.

3 (7) Information. The Illinois State Police shall post  
4 general information on its website about the expungement  
5 process described in this subsection (j).

6 (Source: P.A. 102-145, eff. 7-23-21; 102-558, 8-20-21;  
7 102-639, eff. 8-27-21; 102-813, eff. 5-13-22; 102-933, eff.  
8 1-1-23; 103-35, eff. 1-1-24; 103-154, eff. 6-30-23.)

9 Section 10. The Court Record and Document Accessibility  
10 Act is amended by changing Section 5 as follows:

11 (705 ILCS 86/5)

12 Sec. 5. Record and document accessibility.

13 (a) All records and documents are presumed to be  
14 accessible by the court and the clerk of the court. A clerk of  
15 the court shall limit access to case information and documents  
16 that are not identified as public to the clerk of the court or  
17 limited supervisory staff through the use of access codes  
18 restricting access. Access to court records and documents  
19 remotely over the Internet shall be as authorized by the  
20 Illinois Supreme Court Remote Access Policy.

21 (b) Unless otherwise specified by rule, statute, or order,  
22 access to case information and documents maintained by the  
23 clerk of the court is defined as follows:

24 (1) "Public" means a document or case that is

1 accessible by any person upon request.

2 (2) "Impounded" means a document or case that is  
3 accessible only to the parties of record on a case;  
4 otherwise, the document or case is only accessible upon  
5 order of a court.

6 (3) "Confidential" means a document or case that is  
7 accessible only to the party submitting the document or  
8 filing the case; otherwise, the document or case is only  
9 accessible upon order of a court.

10 (4) "Sealed" means a document or case that is  
11 accessible only upon order of a court.

12 (5) "Expunged" means a document or case that is  
13 accessible only upon order of a court ~~as provided in~~  
14 ~~subparagraph (E) of paragraph (1) of subsection (a) of~~  
15 ~~Section 5.2 of the Criminal Identification Act.~~

16 (c) Notwithstanding any provision of subsections (a) and  
17 (b), the court may enter an order restricting access to any  
18 case or document per order of court.

19 (d) If any law of this State restricts access to any case  
20 information and documents maintained by the clerk of the court  
21 by using the phrase "shall not be public", or a similar phrase  
22 stating that a court record is not available to the public, the  
23 clerk of the court shall impound such case information and  
24 documents unless the court directs otherwise.

25 (e) Notwithstanding any other provision of law, if any law  
26 or statute of this State conflicts with Supreme Court Rule 8,



1 then Supreme Court Rule 8 governs.

2 (Source: P.A. 103-166, eff. 1-1-24.)

3 Section 15. The Code of Civil Procedure is amended by  
4 changing Section 9-121 as follows:

5 (735 ILCS 5/9-121)

6 Sec. 9-121. Impounding ~~Sealing~~ of court file.

7 (a) Definitions. ~~Definition.~~ As used in this Section:<sup>7</sup>

8 "~~court~~

9 "Court file" means the court file created when an  
10 eviction action is filed with the court.

11 "Impounded" has the same meaning as in paragraph (2)  
12 of subsection (b) of Section 5 of the Court Record and Document  
13 Accessibility Act.

14 (b) Discretionary impounding ~~sealing~~ of court file. The  
15 court may order that a court file in an eviction action be  
16 impounded ~~placed under seal~~ if the court finds that the  
17 plaintiff's action is sufficiently without a basis in fact or  
18 law, which may include a lack of jurisdiction, that impounding  
19 ~~placing~~ the court file ~~under seal~~ is clearly in the interests  
20 of justice, and that those interests are not outweighed by the  
21 public's interest in knowing about the record.

22 (b-5) Impounding of court file by agreement. The court may  
23 order that a file may be impounded by agreement of the parties.

24 (c) Mandatory impounding ~~sealing~~ of court file. The court

1 file relating to an eviction action brought against a tenant  
2 under Section 9-207.5 of this Code or as set forth in  
3 subdivision (h)(6) of Section 15-1701 of this Code shall be  
4 impounded ~~placed under seal~~.

5 (d) This Section is operative on and after August 1, 2022.

6 (Source: P.A. 102-5, eff. 5-17-21.)